

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ANTHONY HUFFMAN,**

**Plaintiff,**

**v.**

**No. CIV-14-0217 MV/LAM**

**THE CITY OF RIO RANCHO, et al.,**

**Defendants.**

**ORDER GRANTING DEFENDANTS' MOTION TO STAY DISCOVERY [Doc. 34]**

**THIS MATTER** is before the Court on *Defendants' Motion to Stay Discovery* (Doc. 34), filed on November 18, 2014. Defendants ask the Court to stay discovery in this case pending resolution of Defendants' motion for summary judgment based on qualified immunity [Doc. 29], which is currently pending before the Court. *See* [Doc. 34 at 1]. No response to the motion has been filed and the time for doing so has passed, which constitutes consent to grant the motion. *See* D.N.M. LR-Civ. 7.1(b) ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion."). Having considered the motion, the record in this case, and relevant law, the Court **FINDS** that Plaintiff's motion is well-taken, especially since Defendants are generally entitled to a stay of discovery<sup>1</sup> once a motion to dismiss or for summary judgment based on qualified immunity is filed. *See Jiron v. City of Lakewood*, 392 F.3d 410, 414 (10th Cir. 2004), and *Workman v. Jordan*, 958 F.2d 332, 336 (10th Cir. 1992) ("[W]e reiterate that qualified immunity is not only a defense

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<sup>1</sup> Although Defendants assert that "[t]hey are entitled to qualified immunity . . . and are also entitled to an *automatic* stay of discovery," (Doc. 34 at 2, emphasis added), Defendants are incorrect that the stay of discovery is "automatic." Defendants cite to no rule or case law that supports this contention, and the Court is unaware of any such authority.

to liability but also entitlement to immunity from suit and other demands of litigation.”) (*citing Siegert v. Gilley*, 500 U.S. 226, 231 (1991)). Therefore, the motion shall be **GRANTED**.

**IT IS THEREFORE ORDERED** that *Defendants’ Motion to Stay Discovery* (Doc. 34) is hereby **GRANTED** and discovery is stayed pending a ruling on Defendants’ motion for summary judgment based on qualified immunity.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**